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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 10-0275 WHA
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del> ORDER
	)	EXCLUDING TIME UNDER 18 U.S.C. § 3161
v.	)	
	)	
LECONTE O'NEAL,	)	
	)	
Defendant.	)	
	)	

On June 23, 2010, the parties appeared before the Court to litigate a motion to suppress. The Court ordered an evidentiary hearing to be held on July 21, 2010. At the parties request, the Court rescheduled the hearing until August 9, 2010. Unfortunately witnesses will be unavailable on both August 9, and August 11 - the date parties proposed moving the hearing to at the last appearance. Therefore the parties respectfully request the Court continue this matter until September 1, 2010 at 9:00 a.m.

1 The parties request that the time between August 9 and September 1, 2010, be excluded  
2 under the speedy trial act, 18 U.S.C. § 3161(h)(7)(B)(iv), for effective preparation of counsel.

3 The parties also agreed that the ends of justice served by granting such a continuance  
4 outweighed the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §  
5 3161(h)(7)(A).

6 SO STIPULATED:

7  
8 JOSEPH P. RUSSONIELLO  
United States Attorney

9  
10 DATED: August 4, 2010

11 /s/  
BENJAMIN P. TOLKOFF  
Assistant United States Attorney

12  
13 DATED: August 4, 2010

14 /s/  
GEOFFREY HANSEN  
Attorney for LECONTE O'NEAL

15 For the reasons stated above, this matter is continued until September 1, 2010. The Court  
16 finds that the exclusion of time between August 9 and September 1, 2010, is warranted and that  
17 the ends of justice served by the continuance outweigh the best interests of the public and the  
18 defendant in a speedy trial. 18 U.S.C. §3161 (h)(7)(A). The failure to grant the requested  
19 continuance would result in a miscarriage of justice. 18 U.S.C. §§ 3161(h)(7)(B)(iv).  
20

21 SO ORDERED.

22  
23 DATED: August 5, 2010.

